



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,150	11/20/2003	Norbert Moussy	790_021	9005
25191	7590	09/07/2005	EXAMINER	
Burr & Brown PO BOX 7068 SYRACUSE, NY 13261-7068			NGUYEN, DAO H	
			ART UNIT	PAPER NUMBER
			2818	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/718,150

Applicant(s)

MOUSSY ET AL.

Examiner

Dao H. Nguyen

Art Unit

2818

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1103.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the communications dated 08/22/2005.
Claims 1-10 are active in this application.

Acknowledges

2. Receipt is acknowledged of the following items from the Applicant.
Information Disclosure Statement (IDS) filed on 11/20/2003. The references cited on the PTOL 1449 form have been considered.

Applicant is requested to cite any relevant prior art if being aware on form PTO-1449 in accordance with the guidelines set for in M.P.E.P. 609.

Foreign Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Election/Restriction

4. Application's election with traverse to prosecute the invention of Group I, claims 1-8, drawn to semiconductor devices, filed 08/22/2005.

The traversal is on the ground(s) that see the election paper. This is not found persuasive because the fields of search for method claims, which is classified in class 438, and device claims, which is classified in class 257, are NOT coextensive and the determinations of patentability of method and device claims are different, that is process limitations and device limitations are given weight differently in determining the patentability of the claimed inventions. Also, the strategies for doing text searching of the device claims and method claims are different. Thus, separate searches are required.

The requirement is still deemed proper and is therefore made **FINAL**.

Claims 9-10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a non-elected group there being no allowable generic or linking claim.

Applicant has the right to file a divisional application covering the subject matter of the non-elected claims.

5. Applicant is reminded that a complete reply to this Office Action should include cancellation of nonelected claims or other appropriate action (37 CFR 1.144). See MPEP § 821.01. Also, upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

application. Any amendment of inventorship must be accompanied by a diligently filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

Specification

6. The abstract of the disclosure is objected to because it includes improper language such as "said", and it consists of more than one paragraph. Correction is required. See MPEP 608.01(b). **(6.13)**.

In addition, the indication "Figure 2" at the end of the abstract should be deleted.

The abstract should be in narrative form and generally **limited to a single paragraph** on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The specification has been checked to the extent necessary to determine the presence of possible minor errors. However, the applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

7. Claim 1 is/are objected to because of the following reasons:

In claim 1, lines 2 and 4, the words "said" after the preposition "the" should be deleted for clarity.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claim(s) 1-8 are rejected under 35 U. S. C. § 102 (e) as being anticipated by U.S. Patent No. 6,759,262 to Theil et al.

Regarding claim 1, Theil discloses a Photoelectric detection device, as shown in figs. 2-6, comprising a matrix of elementary detectors on an insulating substrate 202&206 (fig. 2, for example), each of the said elementary detectors comprising a stack consisting of a lower electrode 220 or 222, a layer of a photosensitive material (224, 226, and 228) and a phototransparent upper electrode 230, the upper electrode 230 being common to all the elementary detectors, each of the lower electrodes 220/222 being connected independently of one another to a sense circuit 204, characterized:

in that the lower electrodes 220/222 are each positioned on an individualized insulating zone which is elevated with respect to the insulating substrate 202 (see col. 1, lines 49-53); and

in that the upper electrode 230 is not flat and is furthermore inserted between two adjacent zones until it reaches a level below that of the lower electrodes 220/222. See also col. 1, lines 12-67; col. 3, line 28 to col. 4, line 31.

Regarding claim 2, Theil discloses the Photoelectric detection device characterized in that the insulating substrate 202 consists of a layer of insulating material deposited on a signal processing circuit. See col. 1, lines 49-53.

Regarding claim 3, Theil discloses the Photoelectric detection device characterized in that the zones each consist of an individualized additional insulating layer deposited on the insulating substrate (1). See col. 1, lines 37-65 and figs. 2-6.

Regarding claim 4, Theil discloses the Photoelectric detection device characterized in that the zones form an integral part of the insulating substrate 202. See figs. 2-6.

Regarding claim 5, Theil discloses the Photoelectric detection device characterized in that the zones have a raised shape, so that the photosensitive detection layers of two adjacent pixels face one another substantially vertically at the pixel edge, with strictly opposite polarities. See figs. 2-6.

Regarding claim 6, Theil discloses the Photoelectric detection device characterized in that the photoelectric detectors are composed of PIN, NIP, PI, NI, IP or IN diodes. See col. 4, lines 4-31.

Regarding claim 7, Theil discloses the Photoelectric detection device characterized in that the photosensitive material is based on silicon. See col. 3, lines 28-65.


Regarding claim 8, Theil discloses the Photoelectric detection device characterized in that the photosensitive material is based on silicon alloyed with hydrogen, germanium or carbon. See col. 3, lines 28-65.

Conclusion

10. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) day from the day of this letter. Failure to respond within the period for response will cause the application to become abandoned (see M.P.E.P 710.02(b)).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dao H. Nguyen whose telephone number is (571)272-1791. The examiner can normally be reached on Monday-Friday, 9:00 AM – 6:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (571)272-1787. The fax numbers for all communication(s) is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-1625.



Dao H. Nguyen
Art Unit 2818
September 4, 2005



David Nelms
Supervisory Patent Examiner
Technology Center 2800